

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBURG, GERMANY,

on

TUESDAY, 23 OCTOBER, 1945,

upon the trial of

JOSEF KRAMER

and

44 Others.

THIRTY-SECOND DAY.

Transcript of the Official

Shorthand Notes.

(At 0930 hours the Court re-assembles pursuant to adjournment, the same President, Members and Judge Advocate being present.)

(The accused are again brought before the Court.)

CAPT. FIELDEN: I am, to some extent, in the same position as my friend, Capt. Brown, inasmuch as I had hoped to be able to call further witnesses for Otto. They have not yet arrived but if they do so, with the Court's permission, I would like to call them later in the proceedings.

COL. BACKHOUSE: I have no objection. No doubt Capt. Fielden will let me know when they arrive. There is one thing in the transcript of yesterday's proceedings on page 32. It is quite near the bottom, about six questions up: "Is Olt the girl who stood up just now? A. Yes, she was working in the kitchen, but in the peeling department, where they peel potatoes". I think there is no dispute about it who the girl was; it was in fact Hahnel. I think there should be some note on the transcript to show that.

THE PRESIDENT: Yes. Page 32, sixth question up. "Hahnel" should come in instead of "Olt".

CAPT. FIELDEN: My third and last accused is Stofel, No. 25. I will now call Stofel to give his evidence.

THE ACCUSED, FRANZ STOFEL, takes his stand at the place from which the other witnesses have given their evidence and, having been duly sworn, is examined by CAPT. FIELDEN as follows:-

- Q What is your full name and how do you spell it? A. Franz Stärfel.
- Q When and where were you born? A. On the 5th October, 1915, in Heinsberg in Bavaria.
- Q Is your nationality German? A. Yes.
- Q What was your civilian occupation? A. Clerk.
- Q When did you first join the German forces? A. October, 1934.
- Q Was that the 19th Infantry Regiment and did you stay with that unit until October, 1935? A. Yes.
- Q What happened then? A. I left the Army in 1935 and stayed with my parents until April, 1936.
- Q What did you do then? A. On the 1st April, 1936, I volunteered for the S.S.
- Q Why did you volunteer for the S.S.? A. I wanted to become a professional soldier but I could not do this in the Wehrmacht and in 1936 the S.S. formation gave me the opportunity to do so.
- Q Do you mean that you could not join the Wehrmacht or that you could not join the Wehrmacht for as long as you wanted to? A. I could have joined the Wehrmacht only for another year and I did not want to do so.
- Q When did you go to Klein Bodungen? A. August, 1944.
- Q What were your duties there? A. I was kommandoführer.
- <https://www.legal-tools.org/doc/80f9bc/>

- Q The Court has heard that the camps in the area of Dora were evacuated in the early part of April, 1945. Will you tell the Court when you first received orders to evacuate Klein Bodungen? A. On the 4th April I got my orders from Hoessler to leave Klein Bodungen and the direction to be taken was Herzberg; we should have marched towards Herzberg.
- Q What did your orders say as to what should happen at Herzberg? A. In Herzberg we should have boarded a train.
- Q Did you know what your ultimate destination was to be? A. No, we did not.
- Q When did the transport in actual fact start off? A. ~~We could not take the~~ train in Herzberg because of two air-raid attacks and so, therefore, I gave orders to take the road towards the next concentration camp and that was Bergen-Belsen.
- Q My question was: when did the transport set off? A. We left Klein Bodungen on the 5th April, 1945.
- Q Did you hold a roll call of the prisoners before the transport of the prisoners started off? A. In Klein Bodungen we held a roll call.
- Q How many prisoners were there in the transport? A. 610.
- Q What was the physical condition of the prisoners when they started off? A. Good.
- Q How many guards were in the transport? A. 45.
- Q What happened when you arrived at Herzberg? A. I went with my motor-cycle to Herzberg to see how things were and I saw that because of the air-raids it was not possible to continue there so I went to Osterode, that is also a camp, and prepared accommodation for my prisoners there.
- Q What did you do then? A. We went back, I mean Dor and myself went back, then to Herzberg but then there was a new air-raid attack and my motor-cycle was destroyed.
- Q Did you eventually give orders that the transport was to march to Bergen-Belsen? A. Yes.
- Q What orders did you give for the conduct of the transport on the march? A. I said only to the lageraltester that he should take care that the distances between the several columns should not be too big. That is all that I said, that they should keep together.
- Q Can you tell the Court the names of the places at which you halted for the night on the march? A. Yes, Osterode, Seesen, Salzgeitter, Rüdigen, Ohof, Grosshelen.
- Q Was there any particular incident which occurred at Salzgeitter? A. I had a roll call at Salzgeitter and five prisoners were missing.
- Q How much food was taken with the transport? A. Rations for a fortnight.
- Q What food did the prisoners receive each day, I do not mean in detail, but how did they receive it? A. In the morning the prisoners got coffee, and during the day 500 grammes of bread and 40 grammes either sausages or cheese, and in the evening a hot meal.
- Q Who was responsible for the issuing of food? A. S.S. Stumbann Kunz who worked in the administration.
- Q When did you arrive at Grosshelen? A. On the 10th April at night, about 1800 hours.

- Q Where did the prisoners go to when they arrived in the village? A. In a big barn.
- Q Can you describe to the Court what happened then? A. We arrived about 1800 hours and after about ten minutes an officer came to me - I do not know whether Wehrmacht or S.S. formation, because they were mixed - and gave me orders to leave at once because that village belonged to a fighting area and, therefore, we could not stay there any longer. I told this officer I could not do that because we had been marching already about 30 kilometres and the food was just ready to be distributed. Two officers came after ten minutes and gave me exactly the same orders and I gave them exactly the same answers. I had to go then and see the commandant, an ~~untersturmfuhrer~~, and I received the same orders from him and I gave him the same answers, that I could not take the responsibility, we had been marching and the food was just being distributed, and he said that did not interest him at all, it was a fighting area and we had to leave it. I refused again. Then the commandant gave an order to another S.S. officer, to an untersturmfuhrer, to take his men, about 30, and to see to it that the prisoners were being moved. This untersturmfuhrer came with his 30 men towards the barn where my prisoners were partly inside the barn and partly sitting outside - part of them received their rations but others had not received them - and the shooting started at once.
- Q Who was doing the shooting? A. That unit.
- Q What happened then? A. Then they took the prisoners away. There was no question about falling in or a proper parade because everything was in a bad disorder, and those 30 took the prisoners away in a very quick march - not marching but very quickly; at the double.
- Q What time was this? A. About 1900 hours; it was getting dark.
- Q Where were the prisoners taken to? A. The destination was unknown. I went again to the commandant and asked him for a truck so I could take at least rations, but he refused this and so I tried to contact the prisoners as quickly as possible and I reached the column about 2½ to 3 kilometres from Grosshelen in a wood where they stopped.
- Q What did you do then? A. When I reached the column then Blockaltester Kunertz reported to me that prisoners had been shot. I asked him how is it possible and how many prisoners, and his answer was about four or five. I asked why and he answered partly because it was dark and they tried to escape and partly because they could not keep up with the pace.
- Q Did he say who had shot them? A. I asked him well who did the shooting and his answer was the men of this field unit because those had no idea how to treat prisoners and they probably thought they were not marching fast enough so they shot them. My people, my guards, were not present at all during this period because my guards were already in their barracks and when the prisoners were marched off so my guards were not ready; either they washed or they shaved or they ate, but anyway they reached the column only later on so they were not present at the shooting.

THE PRESIDENT: "Billets" instead of "Barracks" I think he said?

THE INTERPRETER: Yes.

CAPT. FIELDEN: How long did the transport stay in the wood? A. About an hour and a half; at least an hour and a half.

Q Where did you go to when you left the wood? A. An untersturmfuhrer and Dor went then and tried to seek for some accommodation and they found it in an old aerodrome; there was a sort of P.O.W. camp, for Russians.

- Q Did the transport spent the night at this airfield? A. Yes.
- Q Did you start off for Bergen-Belsen the following morning? A. Yes.
- Q When did you arrive there? A. On the 11th April about 1600 hours.
- Q Did you hold a roll call of internees when you arrived at Bergen-Belsen?
A Yes.
- Q What was the number? A. 590.
- Q What happened to the internees after the roll call? A. The other prisoners who held some functions in the camp they took them away in the meantime; in the meantime a lageraltester arrived at the place and they were taken away.
- Q Where were they taken to? A. Later on I heard that it was block - I am not sure - 90 or 92.
- Q Was that in Camp No. 1 or in the Wehrmacht training barracks? A. In the panzer training camp.
- Q Where did you go to? A. I sent Dor away to try and find Hoessler, but Dor returned and said he could not see him so we went to the commandant's office and there in that building we found a room and stayed there.
- Q How do you account for the difference of 20 in the number of prisoners you handed over at Bergen-Belsen as compared with the number you started off with? A. Nobody asked about that discrepancy.
- Q I am asking you about it. How do you account for the discrepancy? A. I mentioned the five before, the five who escaped, and 15 disappeared on the way from Grosshelen to the aerodrome; how many had been shot I could not say.
- Q Did you see any of the internees shot on the march by the guards of the transport? A. I did not see; it was already too dark.
- Q I think you misunderstood the question. I said: did you see any of the internees shot by the guards of the transport on the march; I am not alluding to the people at Grosshelen -- at any time on the march? A. No.
- Q Did you hear that any of the internees had been shot by the guards on the march? A. No.
- Q Did you give orders for any of the internees to be shot on the march? A. No.
- Q What work did you do when you arrived at Bergen-Belsen? A. I helped to get food, to get rations, from the stores of the Wehrmacht to the camp.
- Q When did you first go into the concentration camp, the one that we call camp No. 1? A. Not at all.

MAJOR MUNRO: I have no questions and neither has Major Winwood.

MAJOR CRANFIELD: No questions.

CAPT. ROBERTS: No questions.

CAPT. BROWN: No questions.

Cross-examined by CAPT. CORBALLY.

- Q Did not Hoessler tell you where your transport was supposed to go to? A. Only the order to march to Herzberg.

Q And at Herzberg you were to get on board a train; is not that right?

A Yes.

Q And had not you any idea where that train was going to take you? A. There were rumours that probably it would go to Neuengamme, but nobody knew.

Q Where did you think you were going? A. It was a general rumour when Mittelbau was evacuated that we should go probably to Neuengamme or to Belsen.

Q But when Hoessler gave you your orders did not he tell you which concentration camp you were going to? A. No.

Q Did not you ask him? A. It was superfluous to ask him this question. I got orders to march to Herzberg and board a train there and then I would have seen it when I arrived.

Q When you got to Osterode was your column joined by some more prisoners from Nordhausen? A. No, it was not.

THE PRESIDENT: By "a column" you mean "your prisoners"?

CAPT. CORBALLY: Yes. (To the witness): What sort of accommodation did your column have when they spent the night in Osterode? A. It was a prisoner camp, it was a detachment from Mittelbau, and that is where my prisoners spent the night.

Q Were any of your prisoners shot that night? A. I do not know it myself because I went back to Klein Bodungen but I should think it is quite impossible because otherwise I would have had a report on the next morning about the incident.

Q When did you rejoin the column yourself? A. On the next day at about 1500 hours I believe.

Q Did you meet the column there? A. No, I met them in the next village, in Seesen, because they had left meanwhile.

Q Did you meet anybody in Osterode, anybody to show you the way, where they had gone? A. Dor was there, two from the administration and some prisoners were working with the stores, with the rations.

THE JUDGE ADVOCATE: What do you mean by "there"?

CAPT. CORBALLY: Osterode. (To the witness) Do you mean, when you say you met the two people from the administration, Osterode or Seesen? A. Osterode.

COL. BACKHOUSE: Can we have an idea of when this was?

CAPT. CORBALLY: I think he said he returned the following afternoon from Klein-Bodungen.

COL. BACKHOUSE: He went to Klein-Bodungen and next saw the column at Seesen at 1500 hours, and that is why I am asking when this is supposed to be.

CAPT. CORBALLY: (To the witness) What time was it you met two men from the administration in Osterode? A. As I said before, when I returned from Klein-Bodungen at about 1500 hours.

THE JUDGE ADVOCATE: I suppose what he is trying to say is he went back from Klein-Bodungen to Osterode where he found Dor, and then went on and joined the others at Seesen.

THE PRESIDENT: The note I had was he went to Klein-Bodungen from Osterode, and came back to Seesen, where he got to about 3 o'clock.

CAPT. CORBALLY: He is now saying he reached Osterode at 3 o'clock. (To the witness) You met Dor in Osterode at 3 o'clock. Did he make any report to you about people having been shot the previous night? A. No.

Q. Did you see any shallow graves dug near the site where they had camped the night before? A. No.

Q. Was there a stable near the site where they camped the night before in Osterode? A. No.

Q. What happened after you met this party in Osterode? A. We loaded as much food as possible on the truck and when it was full then we continued our journey to Seesen.

Q. Why did you suddenly have a roll call at Salzgeitter? A. In Salzgeitter that was a former prisoner camp, and there was a parade ground there, and before distributing the food I had a roll call amongst the prisoners.

Q. Had you any reason to suspect that some people had escaped during the previous night? A. Yes, because even the lageraltester was missing, so he himself escaped the night before.

Q. Is not it true to say that you and Dor were together the whole time during the journey with the exception of the one night the prisoners spent at Osterode and you went back to Klein-Bodungen? A. Yes, that is right.

Q. You see, Dor is accused of shooting several people on this journey. Could he have shot those people without your knowing about it? A. No.

Q. Well, you were with him all the time, were not you?

THE INTERPRETER: His answer was: "It would not be possible that he should have done it without my knowledge."

CAPT. CORBALLY: In fact, can you say if there was any shooting at all apart from the Grosshelen incident? A. No, there was no shooting.

CAPT. NEAVE: No questions.

CAPT. PHILLIPS: No questions.

LT. BOYD: No questions.

CAPT. MUNRO: No questions.

Cross-examined by LT. JEDRZEJOWICZ.

LT. JEDRZEJOWICZ: This is a question concerning the accused No. 31 (Viadislav Ostrowski). (To the witness) Did your company include B.12 kommando? A. No.

Q. On a journey like this, from Dora to Belsen, would the block altester and the kapos from Dora cease to be responsible for their men, and would the responsibility be taken over completely by the guard? A. I do not know what sort of responsibility you mean, to keep order during the march, or what.

Q. Yes, order, discipline, food. A. Guards had only one duty, to see to it that nobody should escape. If somebody should escape to take measures and to use their weapons. That was their only duty, nothing else.

Q. I was rather asking about the duties of the different kapos and block altesters. Were the blockaltesters and kapos walking - if they were walking - behind a certain group of men and would be responsible for them, for feeding them, for seeing they are marching in line, and so on and so on?

A. Blockaltesters and lageraltesters had the right to go about wherever they wanted; they could go in front or in the back and see that everything was

all right. The kapos, however, they were distributed; each company of 100 had either one or two kapos, and they were with their men.

- Q. Would it be the same if the prisoners were going by train? A. In the same way kapos would have been distributed to each wagon, one or two, or in the case of workmen, for instance a foreman, not always kapos.
- Q. Have you been present at Belsen at a time when the different prisoners were detailed to different blocks? A. No.
- Q. Suppose some prisoners were allotted to a block which already was inhabited by other prisoners, would it be likely or unlikely for a kapon block-altester from Dora camp to be put in the block as block-altester and the previous one removed?

THE INTERPRETER: He cannot answer that.

THE PRESIDENT: The court will now adjourn and reassemble again at 1100 hours.

(At 1050 hours the court is closed)

(At 1125 hours the court is reopened)

(The accused are again brought before the court)

THE PRESIDENT: Col. Backhouse, before you start your cross-examination, on the recommendation of the medical officer the court has directed that No. 17, Gura, be admitted to hospital now, and the court is awaiting a report as to what his fitness will be to stand his trial.

COL. BACKHOUSE: That being so, it is quite impossible for me to go on until that report has been received. If there is going to be any suggestion of Gura continuing to stand his trial I can only ask that the court be adjourned until it is known whether he can stand his trial. I, of course, cannot take any evidence in his absence if he is again to be a prisoner in the trial.

We are faced with two-alternatives. One is to drop him out of the trial, the other is to adjourn until he is fit to stand his trial. In view of the nature of the trial and the number of persons involved it is obvious to my mind that we would not be justified in asking for any long adjournment, the trial will have to go on without him, and if necessary he will be tried at some later stage. But if it is merely a question of a report on his condition that is another matter.

THE PRESIDENT: The court feels at present that there is no necessity to adjourn the court and that on receipt of the report on this man, which is not an immediate report made in an hour, it will then decide what will happen in so far as he is concerned.

COL. BACKHOUSE: Well, Sir, as far as I am concerned I am bound to take this view, that if this man goes on giving evidence in his absence he cannot again become an accused in this case.

THE JUDGE ADVOCATE: Why do you say that?

COL. BACKHOUSE: Because in my view if an accused is not present evidence cannot be taken. I admit that I am taken by surprise, because it has not been indicated to me at all what it is suggested should happen, but I have no doubt in my mind whatever that in courts-martial, or any other form of English court, evidence cannot be taken in the absence of an accused person. I have no doubt about that.

THE JUDGE ADVOCATE: Let us do it by stages. The court do not want you to be taken by surprise in any way. The court themselves were rather taken by surprise, because this was only put to them a few moments ago. As far as I know, so far as procedure is concerned we are governed by the Rules of Procedure for field general courts-martial, and as far as I remember Rule of Procedure 63(B) on page 664 of the Manual of Military Law says:

"Except as abovementioned all the proceedings, including the view of any place, shall be in open court and in the presence of the accused." If you turn to Rule of Procedure 121 you find: "The foregoing rules shall, so far as practicable, apply as if a field general court-martial were a district court-martial." It is not included in there.

COL. BACKHOUSE: I appreciate that.

THE JUDGE ADVOCATE: Do you not feel that in some way the rules might be more loosely framed in regard to a field general court-martial, in that it does not specifically, by any rule, say that the accused must be present throughout?

COL. BACKHOUSE: I do not think it has that intention for a moment, Sir. I think it would be introducing something wholly original to English criminal law. If that were the intention I am convinced it would have been done very carefully, and something which would have been put into the rules. It is fundamentally opposed to anything I have ever heard of in connection with criminal law, that proceedings can take place in the absence of an accused. That is my own view.

THE JUDGE ADVOCATE: Is not it a fact -- and now perhaps we have to go back to our student days, dealing with the distinction between a felony and a misdemeanour -- and is not it still the law that in the case of a felony an accused must be present throughout, though it is not necessary in the case of misdemeanour?

COL. BACKHOUSE: I will not accept that. I think he must be present throughout in a trial of felony or misdemeanour. It is true that with regard to certain offences, such as an offence in a court of summary jurisdiction, if he himself expresses a desire not to be present then it is not necessary for him to be present. That is a totally different thing.

THE JUDGE ADVOCATE: Do you want to add anything to what you have said?

COL. BACKHOUSE: I merely want to say this. If we shall know quickly whether he can stand his trial I ask for an adjournment. If not, I ask for his name to be struck out of the charge.

I might say this. Before you come to a final decision may I be allowed ten minutes to consider this matter. I have so little doubt as to the position I do not really need it, except to consider the best arrangement that can be made under the circumstances. I will say at once I do not want time to consider whether we can go on without him, because we cannot. I would like to consider the best course to take.

CAPT. BROWN: I am afraid I am not in a position to argue on English criminal law, but I agree with the prosecutor. As far as the Scottish law is concerned I feel that we are in exactly the same position. I agree with what he says.

THE JUDGE ADVOCATE: Have you an Archbold, Col. Backhouse?

COL. BACKHOUSE: Yes. The relevant passage says a trial in a case of misdemeanour can proceed without the prisoner in the dock, but it is never done. If you want to find legal cover for doing this, of course Regulation 11 of these Regulations might provide it: "The finding and any sentence which the court had jurisdiction to pass may be confirmed and, if confirmed, shall be valid, notwithstanding any deviation from these Regulations, or the Rules of Procedure, or any defect or objection, technical or other, unless it appears that a substantial miscarriage of justice has actually occurred." One can find a cover for it if one wanted to break away from the normal practice.

THE PRESIDENT: What I propose to do is to adjourn. We will discuss this and give the court's decision.

82

COL. BACKHOUSE: It would be a great help to me if I could be informed what this man's physical condition is, what the length of time will be before we can be told whether or not he is fit to stand his trial, because at the moment I am talking completely in the dark, which does not make it very easy.

CAPT. BROWN: May I say one more word with regard to paragraph 11. In my view the prosecutor has taken rather a wide view of that paragraph, because from the reading of the paragraph it appears to me that what is intended is that a finding and a sentence shall be valid, notwithstanding any deviation from these Regulations which is put before the court or discovered after the sentence has been passed or the finding has been given. That is my view.

COL. BACKHOUSE: I agree it means the finding can stand even when the court has gone wrong. I do not think it is meant as a cover for the court to make up their own regulation.

THE JUDGE ADVOCATE: I think it should be borne in mind in this particular case that Gura has given evidence and has had an opportunity of putting his case before the court. The defending officers are supplied each day with a copy of the transcript, which can be read to Gura, and although he may not have been present throughout the whole trial it does seem to me that with a little co-operation between the defending officer and the prosecutor Gura could be put in a position where no person could possibly allege there was any prejudice whatever to him in his absence. That is my own view. I think the court had that in mind when considering it before.

THE PRESIDENT: The court will adjourn.

(At 1140 hours the court is closed)

(At 1150 hours the court is reopened)

(The accused are again brought before the court)

THE JUDGE ADVOCATE: Colonel Backhouse, the court have carefully considered the position which has arisen in regard to the accused Gura. Rightly or wrongly, I have advised the court that in my opinion the absence of Gura from the court for a short period would not cause a conviction otherwise sound to fail because of his absence.

The court, however, want to approach it from quite a different point of view while accepting the legal advice I have tendered to them. They are more concerned with justice on this point than a matter of law. They have felt they must carefully consider whether, if they accept my advice, in this particular case any hardship or unfairness would occur to Gura. Bearing in mind that Gura has given his evidence, and bearing in mind that if he should be away for two or three days his defending officer will be here and that he will have a copy written down for him of every word which has been passed in this court in his absence, they are satisfied that no injustice or unfairness will occur to Gura.

Therefore, the court feel that the proper course is to proceed with this trial, and if Gura is able to resume his seat in the dock in the next two or three days so much the better. If he is not able to resume his seat in the dock within a reasonable time before this case ends, then it may be that so far as these proceedings are concerned they will have to be dropped against him. I think it only right - and the court, I think, would like me to do so - to ask the defending officer for Gura whether he agrees that if those steps are taken there can be no prejudice or unfairness whatsoever to Gura.

CAPT. BROWN: I agree that under those circumstances Gura would not be prejudiced. I am sure the court will, if it is essential, allow me to go over the evidence again if Gura returns into the box. I am thinking particularly of a witness possibly identifying Gura. I do not think it will happen, but I am sure the court will grant me that opportunity if it does occur. I am perfectly satisfied that Gura will not be prejudiced.

THE JUDGE ADVOCATE: Then the decision of the court is that the trial will now proceed in the ordinary way.--

THE PRESIDENT: I should like the accused to know exactly what has transpired with regard to this matter.

THE JUDGE ADVOCATE: Yes; I think the best way would be for the shorthand-writer to read what I have said to the interpreter in order that it may be translated to the accused.

(The shorthand writer reads the ruling of the Judge Advocate and the subsequent remarks by Captain Brown)

Cross-examined by COL. BACKHOUSE.

- Q You have told us that you volunteered for the SS in 1936 ? A. Yes.
- Q That was because you wanted to be a professional soldier ? A. Yes.
- Q Joining the SS in 1936 had nothing whatever to do with soldiering, had it?
A. I wanted to join for 12 years and I considered it then to be my profession.
- Q But the SS had nothing to do with soldiering in 1936, had it ? A. No, it had nothing to do with the SS.

- Q What was the first place to which you were sent ? A. Dachau.
- Q A concentration camp ? A. No, that was separate from the troops and I had been until 1939 with the troops.
- Q You call them troops but they were not troops. They were SS were they not ? A. Yes.
- Q Death's Head SS ? A. Yes.
- Q They provided all concentration camp guards up to the war did not they ? A. Yes.
- Q How long did you stay at Dachau ? A. Until March 1939 I was with the SS troops, and then I was transferred to the concentration camp proper.
- Q Dachau was the first concentration camp, was it not ? A. I do not know.
- Q Where did you go in 1939 ? A. Into the concentration camp at Dachau.
- Q How long did you stay there ? A. 15th January 1944.
- Q What were your duties there ? A. About six months in the beginning when I arrived in the concentration camp I was employed as company runner, then after six months I was put in charge of smaller working parties.
- Q What rank had you reached by then ? A. Unterscharfuhrer.
- Q What was your rank in April 1945 ? A. Hauptscharfuhrer.
- Q Where did you go in January 1944 ? A. The concentration camp Mittelbau.
- Q When were you put in charge of Klein-Bodungen ? A. August 1944.
- Q Where were your prisoners-working in Klein-Bodungen ? A. It was a small part of the works working on V1 and V2 weapons.
- Q When did you first meet Dor ? A. When I came to Mittelbau, I suppose, February 1944.
- Q Was he already there ? A. Yes.
- Q When did he come to Klein-Bodungen ? A. September 1944.
- Q What was his rank ? A. Unterscharfuhrer.
- Q Was he your second in command of this column ? A. Yes.
- Q How was he travelling when you left Klein-Bodungen ? A. He had always been with me the whole time, at the beginning on a motor-cycle, later in a car, and later on on bicycles. We were together.
- Q If you and the second in command went off together who was left in charge of the prisoners ? A. Nobody; that was in good running order.
- Q Who was in command of them ? A. We were not always away from the troop. If we were it was for an hour or two; we were on the main road and then we returned to the prisoners again.
- Q Who did you leave in charge when you went away ? A. Nobody.

- Q What had you in the way of transport when you left Klein-Bodungen ?
A. We had one truck and one handcart and later on we got two other hand-carts so we had three.
- Q What did you do with your kit ? You had been living at Dora for quite a long time and you must have collected some belongings ? A. I took it with me on the truck.
- Q You had 41 SS men; what did they do with their kit ? A. They had nothing at all only their uniforms, their greatcoats and a very small parcel or small valise. That is all they had.
- Q Did you take any cooking utensils with you ? A. Each person had his own utensils.
- Q Cooking utensils ? A. Yes, everything was loaded into the truck.
- Q Did you take your office records and papers ? A. There was nothing there.
- Q What sort of truck was it ? A. Three ton or four ton.
- Q Did any SS men travel in it ? A. Yes, some SS men who could not walk, who had sore feet.
- Q How many ? A. I do not know; I think one or a maximum of two.
- Q Did Kraft travel in your truck ? A. Sometimes we had two trucks and Kraft was working with rations, so sometimes he went back in his own truck for rations.
- Q I am talking about when the party left Klein-Bodungen; did Kraft start off in it then ? A. Yes.
- Q Where did you put these rations for 640 people for a fortnight ? A. He could not carry all that on one truck, that is why he had to do two journeys.
- Q Of what did the rations consist ? A. Bread, cheese, sausage or meat.
- Q Where did you find all that food in a concentration camp ? A. The bread came from Klein-Bodungen, and the meat came from Nordhausen, I believe.
- Q What sort of meat was it ? A. Just normal meat. It was beef and also tinned meat.
- Q Enough for 600 people for a fortnight ? A. Yes, at least for a fortnight.
- Q And all carried together with the cooking utensils, your kit, and two or three SS men on two waggons ? A. On two waggons.
- Q Tell us a little more about this camp at Osterode . What size camp was it ? A. For five or six hundred prisoners.
- Q Was it already empty when you got there ? A. No.
- Q Where did you put your 600 prisoners then ? A. There was not very much room for my prisoners so they had to make room.
- Q And then you and Bor went on back to Herzberg ? A. Yes, we prepared accommodation at Osterode and then went back to Herzberg.

- Q What did you go back to Herzberg for ? A. I went back to Herzberg to meet the prisoners.
- Q Then did Dor go on back to Klein-Bodungen again ? A. No, I alone.
- Q What happened to Dor ? A. Dor went with the truck with the rations to Osterode and there he stayed and waited until I came.
- Q So Dor would be with Kraft, would he ? A. Yes.
- Q And they both waited there for you to come ? A. Yes.
- Q When did they go back to Klein-Bodungen with the second lot of rations ? A. He made two journeys. On the first day I myself went back for the third time for the rest of the rations and, at the same time, to prepare the truck for the next day's journey.
- Q So they did not stay with the truck. Really you took it away and left them behind and then came back to them, is that right ? A. Yes, they stayed in camp and I took the truck.
- Q Did you take anybody with you ? A. No.
- Q Who loaded up the truck when you got to Klein-Bodungen with the rest of the rations ? A. Myself and the driver.
- Q You took off the rations for 600 people for a fortnight ? A. No, there was not very much left; only coffee, some rice or some porridge.
- Q Most of it had gone in one truck load, had it ? A. Quite easily because the truck was not full at all.
- Q Did any of the prisoners fall out on the way ? Did any of the prisoners have sore feet ? A. Yes.
- Q What were the prisoners wearing on their feet ? A. Wooden shoes or boots - wooden clogs with some leather fixed on them.
- Q I suggest to you that the prisoners who could not keep up were shot that night and the next morning ? A. That is impossible.
- Q Why do you say it is impossible ? A. It is quite impossible that anybody should have shot a prisoner who was in my charge.
- Q You were not there; you had gone away and left them ? A. At least it would have been reported to me that some prisoners were shot.
- Q I do not want to take you all over the route, but what I am putting to you is this, that from then on all the way along on this transport if a prisoner could not keep up Dor shot him ? A. No; it is not true. The prisoners who had trouble with their feet were allowed to sit on the handcarts and people who had more serious injuries to their feet were allowed to travel in the truck.
- Q The prisoners put two on the handcart the first day, did not they ? A. I cannot say; I was not there on the first day.
- Q They are the two I am suggesting were shot the next morning ? A. I cannot believe it.
- Q Do you remember a man called Marcello who was in your transport ? A. I cannot remember the name. I could not know everybody.

- Q A Frenchman from Paris ? A. I do not know.
- Q He was one of the people who was shot on the way, was he not ? A. There have been no prisoners shot on the road with the exception of that incident in Grosshelen.
- Q I am suggesting that Dor was shooting prisoners all the way along that road whenever they fell out. I am not suggesting that you shot them, but that Dor shot them and you were there on occasions when Dor shot them ? A. It is not true.
- Q I suggest to you that there were 650 prisoners who set out on that march ? A. That is not true. We never had 650 prisoners in Klein-Bodungen.
- Q Did you meet any prisoners from Nordhausen on the way ? A. No.
- Q Did not you meet a few strangers ? A. No.
- Q After the first day or two the prisoners found the marching very hard, did they not ? A. No, I cannot say that.
- Q How far did you march each day ? A. 25 to 30 kilometres.
- Q 15 or 20 miles in wooden shoes with people who are not used to marching would not be much fun, would it ? A. In the first place these prisoners were used to marching. In the second place they got their food regularly and, in the third place, they only marched about $3\frac{1}{2}$ kilometres an hour.
- Q They were marching about ten hours a day, were they ? A. Yes.
- Q Of course, those first two days you were going right over the Hartz mountains, were you not ? A. Yes.
- Q Do you really mean that none of them began to get sore feet and get tired ? A. Of course they were tired, but they had a good sleep at night and they got their food regularly.
- Q Were they carrying all their belongings ? A. Yes.
- Q Were they carrying any bedding that they had got ? A. Everybody had two blankets.
- Q Of course, you rode in a truck all the time as long as there was one, did you not ? You did not do any marching ? A. I was usually with the column marching myself. Only now and then I went ahead on a bicycle.
- Q Or in a motor-car ? A. Yes, only the first two days, that is to say, from the first day back to Osterode and on the second day to Soesen.
- Q Tell us about this extraordinary happening at Grosshelen. Where was this place you put the prisoners at Grosshelen in the first place when you got there ? A. It was at the end of the village of Grosshelen in the direction of Bergen.
- Q Who guarded the prisoners there ? A. We had two guards in the barn.
- Q Who guarded the prisoners outside the barn ? A. The sentries were in such a position that they could overlook all the prisoners who were in front of the barn.

- Q Where did your other 38 SS go to ? A. They were in their own billet which was another barn or stable with straw on the floor about 50 metres away from the prisoners' barn.
- Q When you went to see the local commandant who did you leave in charge of the prisoners ? A. The only thing was there were two guards and they guarded the prisoners and that was good enough.
- Q What happened to the other 38 ? A. They were in their own billet about 50 metres from the barn where the prisoners were.
- Q Do you mean that the commandant sent for one of his officers and thirty or forty of his men to look after your prisoners when you had a complete set of guards of your own in the middle of a battle ? A. Because I refused to leave the village this officer received an order to see to it that these prisoners got away out of the village.
- Q What happened to you as an SS N.C.O. when you refused to obey the order of the SS major ? A. Well, of course, it was something for which I could be punished, for whenever you refused to do anything you were punished.
- Q Did not he put you under arrest immediately ? A. There was no opportunity, because what was he going to do with me then ?
- Q He had plenty of men to spare; he sent off an officer and 30 men, would not it have been much more simple to put you under arrest and tell your men to get on with their work ? A. The thing this commandant was most concerned about was to get the prisoners away and because I refused to do it he just sent his officer and his 30 men.
- Q So you watched your prisoners being doubled away by these 30 SS men from the Field Force did you ? A. I could not do anything against it.
- Q And all your guards stayed and watched all their charges being doubled away like this too, did they ? A. They did not stay there looking at it. They got ready to catch up with the column as quickly as possible.
- Q Who was in charge of the column when you got up with them ? A. When I reached the column in the wood still this officer of that unit in the village was with them.
- Q Were his men still guarding them ? A. Yes.
- Q How long did they stay there ? A. They accompanied us to the P.O.W. camp at the airfield and then they went back.
- Q When did your guard join you ? A. During the period that the prisoners stayed in the wood and had a rest they all joined us.
- Q Then the next day you say you went on to Belsen ? A. Yes.
- Q And you got there about four o'clock in the afternoon; is that right ? A. Yes.
- Q I suggest to you there was some more shooting when you got there ? A. I have not heard anything.

- Q Was not there a man in your transport called Ladislaw Stelpe ?
A. An SS man ?
- Q No, a prisoner. A. I do not know.
- Q I suggest to you that there were mine men shot at Belsen for trying to get some swedes ? A. It is impossible because our prisoners were not starved like, for instance, others were.
- Q Why did you keep Dor with you like this all the time ? Why did you not leave him in charge of the transport when you went off ? A. It was not necessary for him to stay with the transport.
- Q Who would have been responsible if all the prisoners had escaped ?
A. The guard.
- Q Would not you have been responsible if you were in charge of the transport?
A. Yes, I was the leader of the transport but if a prisoner runs away I cannot help it.
- Q What on earth do you think you were there for ? A. It was my honour to take the prisoners to Herzberg and when we came there we marched them to Belsen.
- Q Did you even take the trouble to see whereabouts they were to be in Belsen when you got there ? A. I do not exactly know where they went. I heard later on it was block 90,92,93. I do not know exactly.
- Q Where did you have this roll call at Belsen ? A. We got into the camp and then we came on square number one and then we lined them up and found out how many were missing.
- Q Nobody ever called you to any account for the ones you had lost on the way ? A. Well, of course, I was responsible for the prisoners, but when this Waffen SS unit started firing I could say they were responsible for the loss of the prisoners and I had nothing to do with that.
- Q But when you arrived at Belsen a number of men short did nobody ever ask you why ? A. No, because nobody knew how many prisoners were coming. I handed them over to other prisoners and the SS clerks and I said: "We are about 600" and they put them into one block and it was full.
- Q You never thought of reporting to Hoessler and saying: "A terrible thing has happened. A lot of prisoners have been shot by the Waffen SS" ?
A. I reported this to Hoessler.
- Q When did you report it to Hoessler ? A. I believe it was on the next day, because on the same day we arrived we were too busy to look after the rations.
- Q What did you tell Hoessler about this shooting ? A. I reported to Hoessler and told him that my prisoners had been chased away from Grosshollen by a unit of the Waffen SS, and I told him about the incident that occurred. Then he said: "Well, this is a question in which the court-martial department is concerned, so we have nothing to do with it". So that was the end of it.

- Q And that was all the account you were asked for ? A. Yes, but at the moment I reported this Hoessler had quite a lot of other things to do. For instance he had to see that 15,000 prisoners had food.
- Q You remember your roll call at Salzgeitter ? A. Yes.
- Q What did you do when you found you were five men short there ? A. I did not do anything. We just marched off.
- Q Did not you ask anybody what had happened to them ? A. No, because nobody could know if they escaped during the night time.
- Q Did not you put any guard on at night ? A. Yes, but the prisoners were sleeping in three huts and there were two guards in front of the huts and two guards on the other sides of the huts, but the two other sides of the huts were not guarded.
- Q The real answer is you knew perfectly well that Dor had shot them, is it not ? A. It is not true.

Re-examined by CAPTAIN FIELDEN

- Q When you first went to Dachau what sort of training did you get ?
- A. I had the ordinary infantry training for about half a year and then I was an instructor myself.
- Q Whilst you were away with Dor for these odd hours during the march what were you doing ? A. We went ahead in the first place to get some information about the front line and the fighting. In the second place we went to try and get accommodation for the prisoners and find places where we could give them water.
- Q You have been asked about the type of food that was given to you when you left Dora. What work were the prisoners in the camps under Dora engaged upon ? A. The prisoners had rather light work. They were packing cases and doing all kinds of light work.

Q What were they packing in the cases ? A They were parts of these "V" bombs.

Q Can you say how many of the internees fell out of the transport and had to be put on to the food truck ? A All in all there were about 8 or 10 who had major foot injuries and who could not walk at all, and they were carried on the truck.

Q How many were put into hand carts ? A Sometimes it was two a day, sometimes four; it was not always the same.

Q Were there any official halts on the march ? A Yes, we had ~~about~~ a break during the march, about 1 o'clock, 1300 hours, we had one hour's rest, and about 1600 hours we had another half an hour's break.

Q Were those halts arranged haphazardly, or at some particular points in the march ? A It was like this, that I went ahead on my bicycle and I selected for rest these places where they could find drinking water.

Q Does the road from Osterode to Seesen to Salzgeitter go directly over the Hartz mountains, or does it skirt the Hartz mountains ? A It was not actually across the mountains; it was more or less alongside the mountains.

Q When you were at Grosssholen how far was the battle away ? A I could not tell you exactly, but during the night we always heard the firing of the guns or tank units; I do not know exactly what it was.

Q What was your rank when you were at Grosssholen ? A Hauptscharfuhrer.

CAPTAIN FIELDEN: Could you translate that into an equivalent rank in the British Army ?

THE INTERPRETER: Serjeant-major.

CAPTAIN FIELDEN (To the witness): When you came to Belsen did you go to Belsen station ? A We passed by the station.

Q Did the transport halt there ? A No.

Q When you say you reported to Hoessler about the Waffen S.S. shootings, who brought the matter up first, you or Hoessler ? A I.

Q Whilst this march took place, did you know what the general military situation was ? A I could not get exact information about it.

Q Did you get any information about it ? A Yes, of course I got some information. For instance, they told me that the front was about 30, 40 or 50 kilometres away from the road where we were.

THE JUDGE ADVOCATE: When you left, were you furnished with a nominal roll giving the names of the people in your convoy ? A No.

Q You were working merely on numbers; is that right ? A Yes. From the moment we left Klein Bodungen we had only had numbers.

Q And when the five men disappeared you would not know which five had gone; is that right ? A In this case I could know it, because it was the lager-altester, two or three kapos, and one clerk. They were all Germans and I knew them personally.

Q Could you tell which men had been shot by the S.S. field force ? A No, I could not.

Q You say you reported this to Hoessler ? A Yes.

Q This is what Hoessler said in his affidavit: "I did hear from prisoners in the camp that several people in a transport that had walked from Dora camp were shot. These prisoners were under the command of Stoffel and Dor. I mentioned these shootings to these men but both denied all knowledge of them and I never had a chance to continue the conversation". Is that true or untrue? A I remember that the prisoner came to Hoessler and Hoessler wanted to know who had given the order to fire at those prisoners and, of course, I could not know that.

Q Do you remember that in giving evidence here Hoessler said: "I remember this man arriving with a transport from Klein Bodungen at Belsen. He did not report any special incident to me" - that is you. A Well, I am not surprised that Hoessler does not remember it, because at the time that I reported it to him he was too busy to get food and other things for these 15000 prisoners he had.

THE PRESIDENT: Have you any questions to ask on what the Court has put?

CAPTAIN FIELDEN: No.

(The accused leaves the place from which he has given his evidence).

(At 1323 hours the Court adjourns).

(At 1430 hours the Court reassembles).

(The accused are again brought before the Court).

CAPTAIN CORBALLY: Sir, I represent the accused Schreirer, No. 26, the accused Dor, No. 27, the accused Barsch, No. 28, and the accused Zoddell, No. 29.

Schreirer is included in both charge 1 and charge 2; the other three of my accused are only on charge 1, that is, the Belsen charge.

The evidence in the case of Schreirer is purely affidavit evidence. So far he has not been recognised in the Court. The affidavits which have been read by the Prosecutor against him are those of Diamant, which is on page 19 and is Exhibit "23"; the confession of the accused Kopper, which is on page 48 and is Exhibit "110", and the affidavit of Kurowicki, which is on page 83 and is Exhibit "52".

The charge 1, which is the Belsen charge, the only evidence against him is contained in the confession of Kopper, and that does not actually say that he had any particular job in Belsen, but merely that she saw him there on three occasions; it does not connect him with the staff in any way of Bergen-Belsen concentration camp, and as far as that evidence is concerned he might just as well have been a visitor.

Had it not been for the fact that he is also on the Auschwitz charge, and therefore has to prove his case, I would have applied to the Court to have him dismissed from the Belsen charge altogether, but as his case will involve explaining everything which he has done since 1941, it is necessary, therefore, for me to show in what way he happened to come to Belsen; how he came to Belsen at all.

He is also on the Auschwitz charge, and the evidence against him there is that at sometime between the Autumn of 1942 and the Spring or early summer of 1943 he had various positions there; according to Kurowicki he was the blockfuhrer of block 23, and according to Kopper he was in charge of the straffkommando.

The affidavit of Diamant merely recognises him as having been at Auschwitz and is of no independent value at all.

With your permission I will now call the accused Schreirer to give his evidence.

THE ACCUSED, HEINRICH SCHREIRER, takes his stand at the place from which the other witnesses have given their evidence, and having been duly sworn is examined by CAPTAIN CORBALLY as follows:

- Q What is your full name ? A Heinrich Schreirer.
- Q Where and when were you born ? A Born on the 11th June, 1923, in Mircoah Voda in Rumania.
- Q Are you married or single ? A Single.
- Q Was your father of German descent ? A Yes.
- Q When did you come to Germany ? A June, 1941.
- Q Will you explain to the Court how that happened ? A Together with my parents I was in a transit camp in Kronstadt and then later on I went together with them to Germany. In Germany I went to several transit camps and I stayed together with my mother.
- Q You said "your parents". Do you mean both your parents ? A No, I mean only my mother.
- Q Is your father still alive ? A He is dead.
- Q Were you and your mother on the same transport ? A No, I came after her, later on.
- Q Did you eventually join up with her ? A Yes.
- Q Where was that ? A In the transit in Ettlingen in Baden.
- Q Did you eventually settle down in some part of Germany ? A I stayed in the Province of Baden in the camp at Wilhelmshur.
- Q Were you called up for service in the German armed forces ? A Yes on the 10th October, 1941.
- Q In what branch of the German armed Forces were you called up ? A Luftwaffe, air force.
- Q What happened to you then ? A I had a training for two weeks and then I volunteered for Red Cross or hospital orderly duties.
- Q Where were you stationed at the time you received this training ? A In Katowice, in Upper Silesia.
- Q And how long did you stay there ? A September, 1942.
- Q During that time did you ever go on leave ? A Yes, once.
- Q Where did you go ? A Linz, in Austria.
- Q Was your mother living in Linz at that time ? A Yes, my mother was there in a transit camp near Linz.
- Q After you left Katowice, you stayed there until the early autumn of 1942, where did you go then ? A To Rumania.
- Q At this time what unit of the Luftwaffe were you serving in ? A Signals unit No. 40.
- Q And when you went to Rumania did you go there with your Battalion ? A Yes.

- Q What is the job of your Battalion; what sort of work do they do ?
A It was a Signals Battalion and they had to send and receive messages about units, or about some movements of troops.
- Q Did they have much work to do while they were in Rumania ? A Yes, I had a lot of work together with my Signals Battalion, and when I had time I still continued to do duties as a Red Cross orderly.
- Q How long did you stay in Rumania ? A February, 1944.
- Q Was your Battalion stationed in Rumania during all that time and were you with them during all that time ? A Yes.
- Q Were you stationed in any one place or did you move from place to place ?
A We moved from one place to another.
- Q Were you all this time on the medical staff ? A Yes.
- Q Did you serve in any of the hospitals in Rumania ? A Yes, in several hospitals. Whenever my unit was in the neighbourhood of another unit, for instance near an aerodrome or so, then I did my duties I was detached from my unit and did duties in a hospital as a medical orderly.
- Q Now let us move to the time when you left Rumania. Where did you go then ?
A To Norway.
- Q And how long did you stay there ? A February, 1945.
- Q Did you have any leave while you were there ? A Yes.
- Q Where did you go on your leave ? A Linz. My mother was ill and that is the reason why I got leave.
- Q When was that ? A May, 1944.
- Q You said that you left Norway in February, 1945. Where did you go then ?
A Norstowitz. We did duties as infantry troops.
- Q And how long did you stay there ? A Approximately April, 1945.
- Q And what happened then ? A Then we retreated about 6 kilometres from Schwerin and there we laid down our arms and were made prisoners.
- Q Can you remember the date of that ? A I cannot say exactly, but about the 20th April.
- Q Was it to British troops that you surrendered ? A I should rather think they were Americans.
- Q What happened to you then ? A An American doctor sent all the wounded more to the interior of the country, and I was amongst those who were sent to the rear.
- Q Where did you go ? A From one camp to the other, and finally at Celle.
- Q How long did this journey take ? A Five or six days.
- Q Were there any British or American guards with the columns of wounded ?
A No, we had no guards. We got a pass from one camp to the other and in Celle a British soldier took the wounded and brought them into the hospital.
- Q Who was the doctor with your unit when you surrendered ? A Stabarzt Dr. Vogt.
- Q When you reached Celle what happened to you ? A I wanted to stay with those wounded, but I was told in the hospital that there is no room for me. I went to the British hospital in Celle and after two days I was sent from there to Bergen.

- Q Were you sent by yourself to Bergen ? A No, about 40 doctors, about 40 medical orderlies and a few nurses.
- Q What happened when you arrived at Bergen ? A I was sent to block No. 29, that was the C.R.S. block, and I started doing duty there.
- Q Were you sent there directly you arrived at Bergen ? A No. When we arrived it was evening. I stayed overnight in some block, I do not know which one it was, but on the second day I was sent to Block 29.
- Q Was it in block 29 that you took up your work as a medical attendant ? A Yes.
- Q Who were the patients whom you were attending ? A Ex-internees from the camp.
- Q Do you remember the name of any of the doctors in block 29 ? A Yes, Dr. Deutsch.
- Q For how long did you work there ? A Three weeks.
- Q You say that you were captured about the 20th April. How long after your capture was it when you arrived in Bergen ? A Seven or eight days; I cannot remember exactly.
- Q What happened after you had been working for three weeks ? A Then Captain Fox came and, as I believe, Kurowicki has stated that I had been an S.S. man and then I was arrested.
- Q You mentioned this man Kurowicki. When did you see him ? A I have seen him in the prison in Bergen. I know his name only now, when I was accused, when I received the indictment.
- Q What happened after Captain Fox arrested you ? A I was sent to the police prison at Bergen and every day, I might say on every hour, ex-internees were confronted and tried to identify me.
- Q Did any of them identify you in the prison ? A Yes, Kurowicki identified me and then Gertrud Diamant said that I had been an S.S. man in Auschwitz. Then she stated that she had a good girl friend with whom she had been together and she was brought into my cell but she, of course, could not identify me because I have never been at Auschwitz.
- Q I am not going to take you through the specific affidavits which have been deposed to against you. The first one is Gertrud Diamant (Page 19). She says that you were an S.S. man at Auschwitz and that she saw you a number of times while she was at Auschwitz. What do you say to that ? A It must be a mistake. I have never been at Auschwitz. Apart from that she adds in her affidavit that she cannot say anything detrimental about me but she had heard all sorts of things about my cruelty.
- Q When was the first time you remember seeing Gertrud Diamant ? A That was when I was confronted with her.
- Q The next one is Kopper and it is on page 48. The prisoner Kopper says that you were at Auschwitz in the winter of 1942/43, and that you were in charge of the straffkommando; is that true ?
- A No, no, that is an invention; the whole thing is an invention.

Q She also says that you told her that you were head of the political department. Have you ever told her or anybody else that you were head of the political department? A. No, I have never been the head of the political department and I have never said anything like that, and I have seen Kopper for the first time in Bergen. Apart from that, if Kopper says she is a professor of music, well, all I can say from what I have heard from the other prisoners she cannot even read music and has no idea about it.

Q In his affidavit on page 83 Kurowicki says that you were blockfuhrer of No. 22 Block in Auschwitz from about November, 1942, until the middle of 1943. Is that true? A. No, that is not true. Kurowicki says also that I have been working in Block 32 in Bergen. I have never been in Block 32; I have been working in Block 29.

THE JUDGE ADVOCATE: Is he getting mixed up?

THE PRESIDENT: He says Kurowicki says he worked in Block 32. I cannot find that.

CAPT. CORBALLY: It is on the next page.

THE PRESIDENT: Block 32?

CAPT. CORBALLY: Block 22 was in Auschwitz. Block 32 which he is referring to is in part of the Glyn Hughes hospital at Belsen. It is on the next page.

THE PRESIDENT: He says he was in the block and saw him through the window.

CAPT. CORBALLY: (To the witness): Do you know what Block 32 in Belsen was - what was it used for? A. It was a C.R.S. block; hospital block.

Q And the same as Block 29? A. Yes, but it was a quite independent C.R.S.

Q Have you ever had anything to do with the internees in the concentration camp? A. No, never, apart from Bergen where I did medical orderly duties for ex.internees.

Q Is that the uniform which you were wearing at the time you were arrested?
A Yes.

Q How do you come to have grey breeches and a blue jacket? A. On the transport from Schwerin to Celle I tore my own pair of trousers and I got these blue ones from the wounded.

Q But your trousers are not blue? A. Grey - field grey.

Q You mean you got those trousers from one of the wounded? A. Yes, this pair is from the wounded.

CAPT. CORBALLY: You will notice, sir, from the deposition on page 85 that Kurowicki says: "He was slightly knock-kneed but I do not require this to identify him. I know his face very well". I think this would be a convenient juncture for the Court to form their own opinion on that because it is something about which I will wish to make some comment in my final speech, so perhaps this witness may be walked down the Court and you can form your own opinion as to whether he is slightly knock-kneed or not.

THE PRESIDENT: I do not think it really makes any difference from the point of view of the Court, just seeing a short walk, because he can walk how he likes. He can walk not knock-kneed if he is knock-kneed or vice versa.

CAPT. CORBALLY: I have not actually considered getting a medical witness to come here on his behalf because the person who said that was not trained in medicine, it is just a general impression.

THE JUDGE ADVOCATE: Then why not let him swear he is not knock-need and then let Col. Backhouse try and prove he is?

THE PRESIDENT: You can ask him if he is knock-need.

CAPT. CORBALLY: Of course the point is that though Kurowicki may not, as he says, require this slight additional peculiarity of being knock-need to identify him it is not of any positive value but negatively, to prove he is not, it is of some value.

THE PRESIDENT: If you ask a man to walk just a few yards if he is knock-need he can always walk those few yards not knock-need. All right, bring him down.

(The accused walked before the Court.)

CAPT. CORBALLY: That concludes my examination.

MAJOR MUNRO: I have no questions and neither has Major Winwood.

MAJOR CRANFIELD: No questions.

CAPT. ROBERTS: No questions.

CAPT. BROWN: No questions.

CAPT. FIELDEN: No questions.

CAPT. NEAVE: No questions.

CAPT. PHILLIPS: No questions.

LT. BOYD: No questions.

CAPT. MUNRO: No questions.

L T. JEDRZEJOWICZ: No questions.

Cross-examined by COL. BACKHOUSE.

Q You are a Rumanian, are you? A. I have German nationality.

Q Are you a naturalised German? A. Yes, naturalised German; in 1941 my mother became German, of German nationality, and I became consequently also German nationality.

Q You say you have never been in the S.S. at all? A. No.

Q And the reason you happened to be wearing those trousers is because you took them from a wounded man? A. Yes.

Q Would you like to explain to the Court how you came to have your photograph taken in S.S. uniform? A. What photograph?

Q The photograph which was taken of you, the one which you had with you when you were arrested? A. I was with my fiancée and a comrade of mine, an S.S. man called Jansen from Linz, and we were together and we had too many and so we exchanged uniforms and that is how I got this photograph.

Q It was terribly bad luck, was not it, that when you were arrested by somebody at Belsen as being an S.S. man when they looked in your pockets they found a photograph of you in S.S. uniform? A. Yes, you can call it bad luck, but if I would have been an S.S. man and if I would have behaved in such a way I certainly would not have kept that photograph showing me in S.S. uniform.

- Q Of course, in your case it was not a question of being recognised by photograph, was it; Kurowicki actually saw you and recognised you and that is how you came to be arrested? A. Yes, that is right.
- Q And Gertrud Diamant actually saw you and recognised you, did not she?
A Yes.
- Q If you were a member of the luftwaffe were not you ashamed to have your photograph taken in an S.S. uniform? A. Why should I have been ashamed? I did not know anything about concentration camps and the S.S. connected with them; I knew the S.S. only as soldiers.
- Q Do you really mean you only knew the S.S. as soldiers? A. Yes.
- Q You could speak and read German, could not you? A. Yes, naturally.
- Q And you served at Katowice? A. Yes.
- Q Did you never hear of Auschwitz? A. Yes, I have heard that there is a concentration camp there, but I have never heard about gas chambers or something like that; I knew that it is a concentration camp and that was all that I knew about it.
- Q Because Auschwitz was quite near to Katowice, was not it? A. I do not know how far it was.
- Q Katowice was the nearest town to Auschwitz, was not it? A. I do not know.
- Q Well where was Auschwitz? A. I do not know; I have never been in Auschwitz and therefore I do not know. I knew that Auschwitz was somewhere there but I have never been there.
- Q It was not many miles from Katowice, was it? A. I do not know.
- Q Do you mean to say that people in Katowice and the soldiers there never talked about it? A. That there was a concentration camp everybody knew, but what happened there nobody knew.
- Q I was not talking about what happened there. I am talking about the concentration camp. Did not you know where the concentration camp was?
A No.
- Q Let me suggest this to you, that you joined the S.S. in 1941, not the Wehrmacht or the Luftwaffe at all? A. That is not true.
- Q And that it was your own uniform that you had your photograph taken in?
A That is not true.
- Q It was exceptionally lucky that it fitted, was not it? A. The other man was built in a similar way and was just as slim as I am and I think that if two people are of the same slim build then it does not matter very much if they exchange uniforms, it will always fit.
- Q Why on earth did you want to have a photograph of yourself in the uniform of some other arm of the service? A. I did not want to keep that photo at all. but this girl on the photo was my fiancée and she had been killed in an air-raid and that is the only reason why I kept the photo.
- Q Tell me about your capture at Schwerin. You surrendered to the Americans in Schwerin? A. Yes.
- Q And then you say you were sent to a British prisoner of war camp?
A From day to day we were wandering from one camp to the other because we wanted to get rid of the worse cases of wounded but most hospitals were so overcrowded that they could not accept them.

- Q How did you get into British hands if you were captured by the Americans?
A We just carried on and nobody stopped us.
- Q Was there anybody guarding you? A. Nobody. We had a red cross flag in front of our lorry and we simply drove up.
- Q And nobody ever stopped you? You were allowed to wander around first behind the American lines and then behind the British lines without a guard; is that right? A. Nobody stopped us. On the roads military police stopped us but I do not know whether they were British or American.
- Q Where did you get your petrol from? Did the military police fill the car up for you? A. Always when we stayed overnight then the driver, the German driver of the vehicle, saw to it that the tanks were filled.
- Q And I suppose the Americans filled it up until you got into the British lines and when you got into the British lines then the British filled it up for you? A. I do not know how it happened, but the driver always managed to have some petrol and during the day we always drove off and at night we either stayed in a camp or in the open as it was night and we were not allowed to proceed.
- Q Let me suggest this to you, that your whole story of this capture and driving around and getting petrol from the British and Americans, going from one camp to the other without a guard and without anybody looking after you is a complete tissue of lies from start to finish? A. No, it is not a lie; it is true.
- Q What I suggest to you is that you were called up like the other volksdeutsch and you were not allowed to go into the Wehrmacht and had to go into the S.S.? A. The first thing is I am not volksdeutsch but a so-called settler, somebody who is sent from one country to the other, and I have never been in the S.S. but in the Wehrmacht.
- Q And I suggest to you that you were in fact employed at Auschwitz where you were a blockfuhrer in Block 22? A. That is not true.
- Q And that just as the other people there did you regularly beat people with your fist, with your revolver butt, with a rubber truncheon, or anything else that came to your hand? A. That is not true.
- Q You are now very old now, are you? You were born in 1923 and are 22 now. You would only be 18 or 19 when you were called up, would not you? A. 18.
- Q I suggest to you when you were at Auschwitz you were very pleased with yourself? A. I have never been at Auschwitz and why should I be pleased?
- Q I suggest to you when you went round in your top boots with your revolver if the prisoners did not take their hats off to you immediately or did not stand up whenever you were there you beat them regularly? A. That is not true.
- Q Do you remember a man called Stibitz? A. No.
- Q You read what Kurowicki said about him, did not you? A. Yes.
- Q That Stibitz shouted to you and then you went out and knocked a man down and kicked him? A. Yes, that is what he says.
- Q You remember Kurowicki said you were his blockfuhrer from November, 1942, until at least the middle of 1943? A. I remember.
- Q He would have had plenty of opportunity of seeing the blockfuhrer during the course of that time, would not he? A. As far as I heard here during the trial he ought to have had enough opportunity of seeing.
- Q Why do you think he should pick on you? A. I do not know; it must be a mistake, and I find it strange it is only Kurowicki who says that he knows me although there were thousands of people who were in Auschwitz who were in Belsen as well.

- Q It is not only Kurowicki, is it? What about Diamant? A. Yes, that is true but, at the same time, Diamant says that she had a girl friend with her, she had been constantly the whole time together, and this other girl could not recognise me.
- Q Diamant recognised you easily enough, did not she? A. Yes, Diamant says she knows me.
- Q But it was not only Kurowicki and Diamant because Kopper recognised you, did not she? (The witness gives an answer in German)
- Q That was not what I asked you.

THE PRESIDENT: What was his answer?

THE INTERPRETER: "Kopper says also she recognises me but she says that I am abnormal; well, I am rather of the opinion that she is abnormal."

COL. BACKHOUSE: You do speak Rumanian, I take it, if you were born there?
A. Yes.

Q How long were you stationed in Poland? A. 12 months.

Q Did you learn some Polish? A. Some words, that is all; some sentences.

Q What were you doing before you left Rumania? What were you doing in Rumania? A. Printer by profession.

Q Have you ever heard Kopper playing an instrument? A. I saw Kopper for the first time when I was confronted with her.

Q Are you interested in music at all or not? A. Yes, I am interested in music, but I cannot write notes - music.

Q I suggest to you that you had some conversation with Kopper about music?
A. I never spoke with Kopper about it.

Q How do you think that Kopper connected you with Rumania if she had never seen you? A. When I was brought from Celle to Bergen and when I saw Kopper for the first time then she made the investigations in front of Capt. Fox.

Q Kopper made the investigations? A. Yes, Kopper made the investigations and Capt. Fox and the interpreter were present.

Q You speak English, do not you? A. No.

Q Why did you answer that last question before the interpreter put it in German then? A. Those few words which the prosecutor said I could understand.

Q You know, it is rather interesting that Kopper says you could speak Rumanian, which is apparently true, and she says you spoke French. Do you speak any French? A. No.

Q She says you speak some Polish. You had been stationed in Poland for over 12 months? A. No, I do not speak Polish. I understand a few words and that is all.

Q She says you speak or rather that you said that you spoke -- somebody said that you spoke Russian and German as well. You obviously do speak German, do not you? A. Yes.

Q And you at least understand some English? A. No, I do not understand.

- Q. Tell me some more about this story about Kopper interrogating you.
- A. As I said before, I was fetched from Celle to Bergen, and there I was led into a room. Capt. Fox was there with an interpreter officer, and then suddenly Kopper was brought in, and the interpreter officer asked me whether I knew this woman. I said "No", and then Kopper immediately started talking to me and interrogating me.
- Q. What language did Kopper talk in? A. German.
- Q. Did you have an interpreter for this interview? A. No, I speak German; I do not need an interpreter.
- Q. Capt. Fox does not, does he? A. He had a lieutenant as an interpreter.
- Q. Did not you see Kopper in Belsen when you were both moved there? A. I do not understand that question.
- Q. I suggest to you that after you left Auschwitz you went to Belsen and Kopper saw you there on several occasions. A. No, I had been neither in Auschwitz nor in Belsen.
- Q. And, you know, I suggest to you that you told Kopper all sorts of ridiculous nonsense, about yourself being the head of the political department and burying secret papers, and one thing and another, and thought it very funny. A. As I said before, I have never spoken with Kopper before and I do not know that person.
- Q. Did not you have a false passport ready to get away with? A. No, never.
- Q. I suggest to you that you got rid of your papers, you got rid of your uniform jacket and managed to get hold of a luftwaffe one, and it was only the fact you were foolish enough not to get rid of the photograph of your fiancée that gave away the fact that you were an S.S. man? A. No, all that is not true.

Re-examined by CAPT. CORBALLY.

- Q. What has happened to your pay-book? A. During the retreat I lost my pay book. I reported it to higher authority but it was no good; there was no possibility to get another one.
- Q. What has happened to the rest of your papers? A. I had a document, a Red Cross certificate, that was together in my wallet, but in Bergen it had been taken away from me.
- Q. Was that before you were arrested or after? A. Just when I was arrested.
- Q. And was that the time too when this photograph was taken from you? A. Yes.
- Q. How long after that was it before you were confronted with Kopper? A. Three or four days afterwards.
- THE JUDGE ADVOCATE: Was your father a German? A. Yes, of German descent.
- Q. Was his name the same as yours? A. Yes.
- Q. This photograph, was it a group of three people? A. Two, my fiancée and myself.
- Q. There were only two on the photograph, you and your fiancée? A. Yes.
- Q. Were you arm in arm, or what sort of a group was it? A. It was in the openair near a tree.
- Q. If you had thrown it away would you have had any photo of your fiancée at all then? A. No.

- Q. Did your friend get dressed in your uniform then while you were having your photo taken? A. Yes, he was with his fiancée and he had a photo taken with his fiancée, having my uniform.
- Q. Have you any tattoo marks on your body? A. Yes, under my left arm the blood group is tattooed.
- Q. Your blood group is tattooed under your left arm, is it? A. Yes.
- Q. When was that done? A. September 1941 when I gained German nationality.
- Q. Is that done to members of the luftwaffe? A. No. ~~Those from Rumania~~ Those who started settling in German, the so-called settlers, they were ordered to, the same way. My mother was tattooed in the same way - women and children.
- Q. You say it is done to civilians as well as people in the forces? A. Yes.

A MEMBER OF THE COURT: Did you say you surrendered to the British or American troops? A. I assume they were Americans.

- Q. Why do you assume they were Americans? A. Because the doctor there said he was an American doctor and he stayed on because he was the only one who spoke German.
- Q. Can you tell the court what sort of headdress they were wearing on their heads? A. Steel helmets with M.P.
- Q. You were captured about six kilometres from Schwerin? A. Yes, there were officers and we laid down our arms to them.
- Q. Which side of Schwerin was it, north, east, south or west? A. I think west from Schwerin.
- Q. And you are certain it was 20th April? A. No, I am not certain; it could have been a few days before or a few days after, or the difference of a day or two.
- Q. And when you went from Schwerin to Celle can you tell us the names of any of the places you went through? A. We crossed the River Elbe at Lauenburg.
- Q. About what date would that be? A. Two days after having been captured.
- Q. What sort of bridge was it you crossed at Lauenburg? A. An emergency bridge.
- Q. Made of wood or metal? A. Wood.

THE PRESIDENT: Have you any questions to ask, Capt. Corbally?

CAPT. CORBALLY: No, Sir.

(The accused Heinrich Schreirer withdraws from the place from which he has given his evidence)

CAPT. CORBALLY: I now propose to call Marie Schreirer, who is the mother of the last witness.

MARIA SCHREIRER is called in.

THE JUDGE ADVOCATE: The witness says she will give evidence in German, and that the oath she takes on the Bible will be binding on her conscience.

MARIA SCHREIRER, having been duly sworn, is examined by CAPT. CORBALLY as follows:

- Q. What is your full name? A. Marie Schreirer.
- Q. Where and when were you born? A. 21st March 1880 in Rumania, in Paskany.

Q. Are you married? A. Widow.

Q. When were you married? A. The 1st May 1902.

Q. Have you got a son, Heinrich Schreirer? A. Yes.

CAPT. CORBALLY: I do not know whether the court wish me to carry out any identification here. I feel that she is too short sighted to identify him.

COL. BACKHOUSE: I take it she knows who her son is.

THE JUDGE ADVOCATE: She has seen the man I suppose.

CAPT. CORBALLY: Yes, she has. (To the witness) How old is your son, Heinrich Schreirer? A. He was 22 in June.

Q. Did you leave Rumania for Germany in June of 1941? A. Yes.

Q. Did your son also leave Rumania at about that time? A. Yes.

Q. Did you stay at some resettlement camps on the road from Rumania to Germany? A. In Germany I was in various camps.

Q. Were you with your son during all that time? A. No, not the whole time, we were sometimes separate; we were in different camps; then in one camp we were together and later on my son was conscripted.

Q. Did you have to undergo any medical examinations in any of these resettlement camps before you came into Germany? A. Yes.

Q. Did the doctors make any blood tests? A. Yes, it was in a train they made some blood tests and they took my measurements and they stamped me.

Q. Exactly how was this stamping carried out? A. I did not see how they did it, but I believe I am stamped under my left arm or under my right arm - I think under my left arm.

Q. You said your son was called up. About when was that? A. I believe in 1941.

Q. You arrived in Germany in 1941. Was it before the winter set in or when was it? A. No, I came in summer before winter set in.

Q. I mean the calling up of your son for service in the German armed forces. A. In the autumn.

Q. And do you know into which branch of the German forces he was called? A. The luftwaffe.

Q. Your son was called up in, you say, the autumn of 1941. When was the next time you saw him? A. I cannot say for certain, I believe after ten months.

Q. How long after that time was it before you saw him again? A. I remember only I was ill and he came to me to see me, but I cannot remember whether it was spring or autumn; I do not remember.

Q. As far as you know has your son been in the luftwaffe ever since he was called up? A. Yes.

Q. Have you ever heard of his being in the S.S. at any time? A. No.

CAPT. CORBALLY: That concludes my examination.

(The remaining defending officers do not wish to cross-examine this witness)

Cross-examined by COL. BACKHOUSE.

Q. You would not have liked to have heard that your son was in the S.S. would you?

A. I really cannot tell you what sort of sentiments I would have had about the S.S., because as you know in former Germany the S.S. was always regarded as the very elite of the armed services, and it would have meant a great honour to belong to that formation, so I really do not know what I should answer.

Q. Did you know that they drafted into the S.S. a lot of Rumanians who were called up for service in Germany?

A. I have heard that some people were drafted here, some people were drafted there. I was never very happy about my son being in the

luftwaffe because I considered the luftwaffe being something cruel,

but as you know nobody asked us where we want that our sons should go.

Q Would you have liked to know that your son was a concentration camp guard?
A. No.

THE JUDGE ADVOCATE: Was Schreirer your only son? A. No, I have several children.

Q Did you like to hear from your sons? A. To hear what?

Q How they were getting on? A. Certainly; every woman is very happy to hear how her sons are getting on.

Q And I hope like a good son he wrote to you occasionally; is that right?
A. Yes, he wrote very often, but very many letters were lost and whenever I got a letter he said always: "Why don't you write to me? Why don't you answer my letters?", and I know that in that country many many letters are lost.

Q You wrote to your son, did you? A. I cannot write because I cannot see, but I asked people to write to him.

Q How did you know where to write to him? A. Whenever he wrote to me he sent his address or his military postal number and that is what I was using in answering them.

Q Do you happen to like to keep your son's letters or not? A. No, because I myself cannot see and I could not have read them again and again and I did not want them thrown away so I burned them myself.

Q Can you remember now at all what was the sort of official way that you had those letters addressed so that they would reach your son? A. No, because in former times when I still had my eyesight whenever I wrote an address I remembered it visually, but now only by hearing it I forget it, particularly after my illness. I do not remember very well.

Q Did you ever enquire from people who read his letters what sort of rank he was holding or anything of that kind? A. The last I heard about it was he was a lance-corporal. Whether he had been promoted later on I do not know. My last recollection is lance-corporal.

Q Lastly, do you remember any countries from which he wrote letters to you?
A. I remember Rumania. I do not remember other countries, but I remember Rumania because that is a country which I unfortunately have left.

THE PRESIDENT: Have you any questions arising out of that, Captain Corbally?

CAPT. CORBALLY: No questions.

(The witness withdraws)

CAPT. CORBALLY: I also represent the accused Dor, number 27.

THE JUDGE ADVOCATE: Have you finished all the evidence in relation to Schreirer?

CAPT. CORBALLY: I was calling a Dr. Vogt and another doctor, but in spite of all my efforts and the co-operation and help given me by the prosecutor I have been unable to find either of those doctors.

THE PRESIDENT: So that really finishes the evidence you are calling on behalf of Schreirer.

CAPT. CORBALLY: Yes; there may be some documentary evidence, if I may put it in at a later stage.

THE JUDGE ADVOCATE: You must put it in now, you know.

CAPT. CORBALLY: I have not got it at the moment. I also represent the accused Dor, number 27 who is on the Belson charge only. The court will remember from this morning the case of Stofel which was opened by my friend Captain Fielden, and the case of Dor is almost ~~precisely~~ the same. He has not been recognised in court by any witness who has come here, and the affidavits which affect his case are those of Grohmann, 27A exhibit 31, which you have already looked at this morning in connection with Stofel; the affidavit of Linz, page 93A exhibit 55 which is a fresh one entirely concerned with Dor; and also the affidavits numbered 257, and 258 and 259, exhibit 107.

With your permission I will now call the accused Wilhelm Dor.

THE ACCUSED, WILHELM DORR takes his stand at the place from which the other witnesses have given their evidence and having been duly sworn is examined by CAPTAIN CORBALLY as follows:-

- Q What is your full name ? A. Wilhelm Dorr.
- Q Where and when were you born ? A. On the 9th February 1921 at Merenberg in Nassau.
- Q Are you married or single ? A. I am married.
- Q Any children ? A. Yes, one.
- Q When did you get married ? A. February 1944.
- Q What was your occupation before the war ? A. Farmer.
- Q What was your father's occupation before the war ? A. A farmer.
- Q Did you live on that farm ? A. Yes.
- Q How did you come to join the SS ? A. On the 15th December 1940 I volunteered for the army, but I could not get into the army. Then I volunteered for the Waffen SS - the fighting SS.
- Q Where did you go to when you were taken into the SS ? A. To Dresden in the Pioneers.
- COL. BACKHOUSE: I query the translation of that answer. I think the witness said Engineers.
- CAPT. CORBALLY: It is the same word in German.
- COL. BACKHOUSE: Yes, but it has a different meaning in English, of course.
- CAPT. CORBALLY: (To the witness) How long did you stay there ? A. Until the autumn 1941.
- Q What was your work there ? A. We had our training as engineers and later on a special training for engineering in the front line. Then I became ill and went to hospital.

- Q Were you able to complete your training ? A. Yes.
- Q After this training was completed where did you go then ? A. Then they formed the actual field unit.
- Q What happened to you ? Where did you go ? A. I became ill with rheumatism and went to hospital.
- Q Eventually you left Dresden; what happened to you then ? A. I went to Oranienburg.
- Q Did you say that was in the autumn of 1941 ? A. Yes.
- Q How long did you stay at Oranienburg ? A. Until January 1944.
- Q Then what happened in January 1944 ? A. Then I went to Mittelbau.
- Q Did you eventually come to the camp at Klein-Bodungen ? A. In September 1944.
- Q What sort of a job did you have at Klein-Bodungen ? A. I was an assistant of Hauptscharfuhrer Stofel.
- Q What was your job in the camp at Klein-Bodungen ? A. We started in the morning with a roll call, then the workers left the camp and went to Mittelbau. After they came back we had another roll call. It was the same programme everyday.
- Q Did you stay at Klein-Bodungen until the camp was evacuated ? A. Yes.
- Q Did you march all the prisoners on the march from Klein-Bodungen ? A. Yes.

(The accused, Wilhelm Dor, leaves the place from which he has given his evidence)

(At 17.08 hours the Court adjourns until 0930 hours to-morrow morning Wednesday 24th October, 1945)